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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA

13
14 JOHN TENNISON,

15 Plaintiff,

16 v.

17 CITY AND COUNTY OF
18 SAN FRANCISCO; SAN FRANCISCO
19 POLICE DEPARTMENT; PRENTICE EARL
20 SANDERS; and NAPOLEON HENDRIX,

Defendants.

Case No. C 04-00574 CW

Consolidated with
Case No. C 04-01643 CW

**STIPULATION AND ORDER
CONTINUING FURTHER CASE
MANAGEMENT CONFERENCE**

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STIPULATION AND PROPOSED ORDER CONTINUING FURTHER CASE MANAGEMENT CONFERENCE

Case No. C 04-00574 CW

Consolidated with

Case No. C 04-01643 CW

RECITAL

The Court's Case Management Order of April 6, 2006, set a further case management conference in this matter for October 6, 2006, at 1:30 p.m. The Order noted, "If no decision is made by the Ninth Circuit [regarding pending appeals of this Court's partial denial of defendants' summary judgment motions] by October 6, 2006, the parties can stipulate to continue the Case Management Conference."

On October 2, 2006, this Court ordered that the Case Management Conference be continued until June 8, 2007.

On May 14, 2007, this Court issued a Clerk's Notice, which rescheduled the Case Management Conference for June 12, 2007.

On June 1, 2007, this Court ordered that the Case Management Conference be continued until August 7, 2007.

The Ninth Circuit heard oral argument in this case on July 12, 2007, at 9:00 a.m..

On July 30, 2007, this Court ordered that the Case Management Conference be continued until December 4, 2007.

On November 28, 2007, this Court ordered that the Case Management Conference be continued until February 12, 2008.

On February 4, 2008, this Court ordered that the Case Management Conference be continued until March 25, 2008.

On March 14, 2008, this Court ordered that the Case Management Conference be continued until June 10, 2008.

On May 21, 2008, the Ninth Circuit vacated the submission of the appeals pending the United States Supreme Court's decision in *Van de Kamp v. Goldstein*, No. 07-854, 2008 WL 1699467 (U.S. Apr. 14, 2008).

On June 9, 2008, this Court ordered that the Case Management Conference be continued until September 9, 2008.

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1 On September 11, 2008, this Court ordered that the Case Management Conference be
2 continued until October 21, 2008.

3 On September 22, 2008, pursuant to a request by plaintiff Antoine Goff, the Ninth Circuit
4 ordered defendant George Butterworth's appeal dismissed, remanded Goff's claims against
5 Butterworth to this Court for the limited purpose of entering judgment against Goff and in favor
6 of Butterworth, and ordered the remaining appeals resubmitted.

7 As of today, the Ninth Circuit has not yet ruled on the pending appeals.

8 The parties agree that it would be a waste of time and judicial resources for the Court to
9 hold a case management conference prior to entry of a decision by the Ninth Circuit.

10 **STIPULATION**

11 For the forgoing reasons, the parties, through their undersigned counsel, stipulate and
12 agree to entry of an order continuing the further case management conference from October 21,
13 2008 at 2:00 p.m. to December 16, 2008 at 2:00 p.m.. Should the Ninth Circuit dispose of the
14 pending appeals before that date, the parties will notify the Court so that the date of the further
15 Case Management Conference may be advanced.

16 IT IS SO STIPULATED.

17 Dated: October 14, 2008 KEKER & VAN NEST, LLP

18
19 By: /s/ Daniel Purcell
20 DANIEL PURCELL
21 Attorneys for Plaintiff
JOHN TENNISON

22 Dated: October 14, 2008 THE SCOTT LAW FIRM

23
24 By: /s/ John Houston Scott
25 JOHN HOUSTON SCOTT
26 Attorneys for Plaintiff
ANTOINE GOFF

27
28 STIPULATION AND PROPOSED ORDER CONTINUING FURTHER CASE MANAGEMENT CONFERENCE

Case No. C 04-00574 CW
Consolidated with
Case No. C 04-01643 CW

1 Dated: October 14, 2008

MOSCONE, EMBLIDGE & QUADRA

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By: /s/ James A. Quadra

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JAMES A. QUADRA

5

Attorneys for Defendants
PRENTICE EARL SANDERS and
NAPOLEON HENDRIX

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Dated: October 14, 2008

OFFICE OF THE CITY ATTORNEY

7

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By: /s/ Christine Van Aken

9

CHRISTINE VAN AKEN

10

Attorneys for Defendants

11

CITY AND COUNTY OF SAN FRANCISCO and
GEORGE BUTTERWORTH

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FILER'S ATTESTATION

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I, Daniel Purcell, the filer of this document, hereby attest that concurrence in the filing of
this document has been obtained from each signatory hereto.

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By: /s/ Daniel Purcell

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DANIEL PURCELL

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ORDER

GOOD CAUSE showing, it is hereby ordered that the further case management conference be continued pursuant to the terms of the foregoing stipulation.

IT IS SO ORDERED.

Dated: _____, 2008

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THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE